



PLANNING AND BUILDING SERVICES

Town of Newmarket

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Planning Report

TO: Committee of Adjustment

FROM: Eldon Theodore
Partner, Planner and Urban Designer – MHBC (on behalf of Planning Services)

DATE: January 26, 2021

RE: Application for Minor Variance **MV-2022-01**
180 Main Street South
Town of Newmarket
Made by: 180 Main Street Corp (the "Owner")

1. Recommendations:

That Minor Variance Application MV-2022-01 be approved, subject to the following conditions:

1. That the development be substantially in accordance with the information submitted with the application;
2. That a Heritage Permit be obtained;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

2. Application:

An application for a minor variance has been submitted by the above-noted Owner to request relief from Zoning By-law Number 2010-40 as amended, to facilitate the adaptive reuse and expansion of the existing heritage clocktower building and 1956 addition, for a new a boutique hotel including an associated restaurant and event space. The submitted site plan and elevations are included as Attachment 1.



Figure 1 - Rendering of proposed hotel with new 3rd storey and rear addition

The requested variances are below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	Section 6.4.2 Zone Standards in the Urban Centre	A maximum floor space index of 1.0 is permitted.	To permit a maximum floor space index of 1.99.
2	2010-40	Section 6.4.2 Zone Standards in the Urban Centre	A maximum building height of 9.0 metres (3 storeys) is permitted.	To permit a maximum building height of 15.84 metres (3 storeys).
3	2010-40	Section 5.3.4 Downtown (UC-D1) Zone	Any increase in floor space through additions or expansion into space not presently used for commercial purposes shall provide additional parking at the rate of 1 parking space per 31 m ² of gross floor area or cash-in-lieu of parking	To recognize the existing number of parking spaces as sufficient to satisfy any additional parking spaces required due to an increase in gross floor area up to a maximum of 1460 square metres.

A fourth variance was included on the Committee of Adjustment Public Notice as follows:

4. Relief from Section 5.2.2 Parking Space Design and 5.3.6 Barrier Free Parking Space to permit no barrier free parking spaces whereas the By-law requires 1 barrier free parking space.

However, the Owner has since modified their plan to add one barrier free parking space onsite, thereby resolving this conflict and removing the need for this variance. Planning staff have reviewed the change and are supportive of this revision as it is minor and improves the Minor Variance application before the Committee of Adjustment by simplifying the number of requested variances.

The above-described property (herein referred to as the “Subject Property”) is located in the Historic Main Street area at the southwest corner of Main Street South and Park Avenue. The Subject Property has a site area of approximately 1,913 square metres and currently contains a three-storey historical post office building known as the Clock Tower (also known as the Newmarket Federal Building), which was first built in 1914 with an addition constructed to the west of the original building in 1956. The building was most recently used as a retirement home and has been vacant for some years.

3. Planning considerations:

The proposed development intends to repurpose the existing heritage building into a boutique hotel comprising 55 guest suites, a restaurant, and an event space while preserving the identified heritage elements of the building. Specifically, an addition is proposed to the west of the building to accommodate additional guest suites, and a rooftop restaurant and event space is proposed.

In order to authorize a variance, Committee must be satisfied that the requested variance passes the four tests required by the *Planning Act*. In this regard, staff offer the following comments:

Maintaining the general intent of the Official Plan

The subject property is designated “Urban Centre” and located in the “Historic Downtown Centre” in the Official Plan. This Historic Downtown Centre designation permits a range of uses including entertainment and accommodation facilities under Section 4.3.4.1. A hotel is considered accommodation facility under the Official Plan and is therefore a permitted use.

Regarding the proposed variances, the following Policies are relevant under Section 4.3.3 of the Official Plan:

2. On-site parking requirements for specific non-residential development/redevelopment proposals in the Historic Downtown may be satisfied through off-street communal, municipally or privately owned parking areas located elsewhere in the Centre.

6. Retail, service commercial and office uses along Main Street shall be encouraged to be grade-related in order to preserve and enhance the rich heritage of the area. The frontage on Main Street from Millard Avenue to Water Street shall be restricted to retail and service commercial uses, office uses, entertainment, educational, and institutional uses, and shall not be used for parking lots or areas. Residential uses shall be encouraged on the upper floors of all buildings in the Historic Downtown.

8. Improvements to the Historic Downtown in the form of infill development, upgrading and rehabilitation shall be encouraged, including the rear of buildings which are visible from adjacent streets, at a scale that retains the historic character of the area.

The general intent and purpose of these provisions are being met by this application as the proposal is utilizing on-site parking and parking in municipally owned parking areas. The proposal also includes a lobby bar within the clocktower building along the Main Street South frontage, achieving the objective of ground floor active uses in the Historic Downtown. Furthermore, approval of this minor variance will allow for improvements, rehabilitation and modest addition through reinvestment to the historic building and its 1956 expansion on the property.

Relative to Intensification Policies, the Official Plan permits a maximum density of 1.0 FSI in the Historic Downtown Centre, but also permits developments to exceed this density without amendment to the plan, subject to providing supporting background studies that demonstrate, to the satisfaction of the Town, that the proposed development will not create an unacceptable level of traffic, will be compatible with the existing surrounding development, and is supported by the appropriate technical studies.

The Town has reviewed the Parking Justification Letter prepared by Crozier Consulting Engineers which concluded that with the combination 23 existing on-site parking spaces, 12 municipal parking spaces on off-peak times through an agreement with the Town, valet services to manage parking including 3 additional tandem spaces not counted in the overall parking, and the presence of existing on-street parking and available municipal parking lots, the proposed development can be supported. The Town has reviewed the Parking Justification Letter and are satisfied that the findings and conclusions address this policy.

With respect to ensuring compatibility with the existing context, the proposed development achieves intensification through expansion and reuse of the existing building while conserving the heritage elements and retaining the historical character of the area. The impression of increased height via the third storey is mitigated by maintaining a stepback ranging from 2.6m to 4.8m from the building face of the 1956 expansion. The new expansion has maintained the style, quality and materiality of the existing building, which is compatible with its surrounding context in the Historic Downtown Centre. These gestures maintain the general intent and purpose of these policy objectives.

Relative to Heritage policies, the Subject Property is located within the Lower Main Street

South Heritage Conservation District and subject to the Heritage Conservation District Plan for Lower Main Street which recommends building heights of not less than 2 storeys and not more than 3 storeys. Designated cultural heritage structures involved in planning applications shall be carefully and sensitively retained as part of any new development or redevelopment to ensure that the cultural heritage value of the building or lands is not compromised.

The proposed development incorporates the heritage building deliberately into its proposal to reflect the traditional qualities and visual character of the historic downtown through design by way of adaptively reusing the historic clocktower and 1956 addition. Furthermore, the Town has received a Heritage Impact Brief prepared by Giaino that has assessed the impacts of the proposal and concluded that the reuse of the existing building meets the objectives for historic landmark buildings in the Lower Main Heritage Conservation District Plan. A Heritage Permit Application has been submitted and at the time of authoring this report, is being circulated to the Lower Main Street South Heritage Conservation District Advisory Group as per standard process.

For these reasons, the general intent and purpose the Official Plan has been maintained by this application.

Maintaining the general intent of the Zoning By-law

The Subject Property is zoned Historic Downtown Urban Centre Zone (UC-D1) in By-law 2010-40, and hotel is permitted within the zone. The following is a review of each variance:

- 1. Relief from Section 6.4.2 Zone Standards in the Urban Centres Zones to permit a maximum floor space index of 1.99 whereas the By-law permits a maximum floor space index of 1.0.*

The general intent and purpose of the density provision is to ensure an appropriate level of built form massing is achieved and maintained on a particular property. The Owner seeks an FSI of 1.99 whereas 1.0 FSI is permitted. Notwithstanding this, the Subject Property has an existing FSI of 1.23, exceeding the current By-law permission. As a result, the difference in what exists today verses what is proposed is 0.76 FSI. Furthermore, the requested FSI increase will result in a horizontal expansion to the west and a stepped-back increase to the top of the 1956 addition, which is respectful of the public realm and existing buildings in the immediate context. As the proposal continues to ensure an appropriate level of built form expression on the Subject Property, the general intent and purpose of this provision continues to be maintained.

- 2. Relief from Section 6.4.2 Zone Standards in the Urban Centres Zones to permit a maximum building height of 15.84 metres whereas the By-law permits a maximum building height of 9.0 metres.*

The general intent and purpose of the building height provision is to ensure an appropriate built form height so as not to overwhelm adjacent and abutting properties and public spaces. The Owner seeks an increase in height from 9.0 metres to 15.84 metres. Notwithstanding this, the building already exists at a height of 11.88 metres, exceeding

the current By-law permission by 2.88 metres. As a result, the difference in height is actually 3.96m. Furthermore, although the proposal includes a numerical increase in height (metres), it maintains the maximum permitted three storeys height allowance. Finally, the additional height requested is isolated to the expansion on top of the 1956 expansion, which has a generous step-back from the existing building face, helping to reduce and mitigate the perception of height. With this understanding, the proposed variance maintains an appropriate built form height that will not overwhelm the existing building and surrounding context, maintaining the general intent and purpose of this provision.

3. Relief from Section 5.3.4 Downtown (UC-D1) Zone to recognize the existing number of parking spaces as sufficient to satisfy any additional parking spaces required due to an increase in gross floor area up to a maximum of 1460 square metres.

The general intent and purpose of parking rate standards is to ensure that anticipated vehicle demand of a use can be accommodated on site so as not to cause adverse impacts of excess vehicles on abutting properties and areas. The By-law requires 1 parking space per 31 sq. m of gross floor area for any increase in floor space through additions, or expansions into space not presently used for commercial purposes. In the case of the proposal, that equates to 43 new parking spaces to accommodate the proposed third storey and rear expansion. With the existing 23 parking spaces on site which is the required parking for the existing building, a total of 66 parking spaces would be required. At total of 37 spaces will be provided either onsite (25) or in a municipal lot (12), therefore a deficit of 29 spaces exists that are the subject of this variance. In considering this variance, it is important to outline a number of factors.

The Zoning By-law contains a supportive regulation to encourage various commercial uses in the area, allowing the use of off-site parking lots within 150m of the subject site (5.4.1 – Parking Lot Location). This regulation exists to support commercial business in the area by not overburdening each commercial building/lot with new parking requirements when new commercial uses are established. With this understanding, if the hotel did not include a new 3rd story or rear addition, and no parking spaces existed on the property today, no new parking on-site would be required [5.3.4 iii) Downtown (UC-D1) Zone]. All of the new parking required from this proposal is generated from the new 3rd story and rear addition.

To satisfy the 66 space parking requirement. The owner has proposed 25 spaces on site by reconfiguring the existing parking area, including one Type A Barrier Free parking space - a new addition for enhanced accessibility to the site. An agreement with the Town will provide for 12 spaces in a municipal lot (within 150m of the Subject Property), bringing the total to 37 spaces. The remaining required 29 spaces are then subject to the minor variance relief.

The parking minor variance is supported by Planning staff based on the nuances associated with a boutique hotel use and its location:

- A hotel is unique from other commercial uses in that the parking aspects of the use will be managed by the hotel, and will include valet service for guests. Guests pull

into the parking lot, unload, and hotel staff will handle parking the vehicle. Therefore typical parking considerations for other commercial uses are not relevant in this case.

- The Owner has experience managing parking in tight urban environments from its hotels in Downtown Toronto (Broadview Hotel and Gladstone House).
- The property in this case is in close proximity to and is well served by existing municipal lots; one abutting the property to the west and south.
- The property is easily accessible by public transit.
- Long-term and short-term bicycle spaces are being provided, which support multi-modal transportation options.
- The parking reduction is supported by a Parking Justification Letter by Crozier Consulting Engineers which outlines many of the initiatives noted above.
- The variance for parking reduction is subject to a maximum gross floor area of 1460 square metres, providing certainty that the requested relief is tied to the proposal before the Committee of Adjustment.

Given the foregoing, planning staff are satisfied that the proposed variance will not cause unacceptable adverse impacts on abutting properties, and maintains the general intent and purpose of this provision.

Overall, the application maintains the general intent and purpose of the Zoning By-law.

Desirable for the appropriate development of the land

It is desirable to allow the Owner to invest in their property through renovations, additions and enhancements to permit a boutique hotel on the Subject Property. Introducing a hotel with associated restaurant and event space will assist in drawing business and visitors to the historic Main Street area, thereby supporting the economic vitality of area businesses.

The proposed development helps to revitalize and improve the area while preserving and enhancing the heritage attributes of the existing building on the Subject Property. Specifically the proposed addition represents a modest form of intensification in a scale and intensity that will be sympathetic to the surrounding context. The proposal will have an attractive, positive relationship to the public realm. The westerly expansion will be cantilevered over the existing surface parking area, helping to partially screen this existing condition from the street and optimize the use of this portion of the property. As a result, the proposed variances are desirable and appropriate.

The proposal will achieve sustainability goals by deploying transportation demand management solutions to accommodate guests and visitors to the building. The proposal aligns with Official Plan policy and Zoning regulation that promote alternative parking arrangements within the Historic Downtown Centre and have justified the approach through a Parking Justification Letter. Furthermore, the requested parking variance aligns with recent best practices in municipalities across Ontario; efforts to prioritize sustainable and alternative travel options, shared parking arrangements, and a growing understanding that good planning principles to achieving healthy, vibrant, active places of distinction are not dependent solely on parking availability.

Overall, the application is desirable for the appropriate development of the land.

Minor nature of the variance

When considering if the variance is minor, it is not just the numerical value that should be considered. Committee is requested to consider the overall impact of the variance, and more specifically, whether an application creates unacceptable adverse impacts of a planning nature.

No adverse impacts are anticipated with the increase in height and density. The proposed heights are not a substantial departure from what exists on the Subject Property today, and the additional density promotes intensification objectives sought in the Historic Downtown Centre. Overall, the majority of the hotel operation will occur within the footprint of the existing building.

No adverse impacts are anticipated relative to the proposed parking variance. As established earlier, the reduced number of parking spaces would not have a negative impact on the surrounding neighbourhood as parking can be accommodated onsite and in the nearby existing parking facilities as outlined in the Parking Justification Letter. Furthermore, valet parking ensures that parking of guests and visitors are managed and organized so as not to create unacceptable adverse impacts.

Overall, the variances individually and collectively are minor in nature.

In consideration of the above, the proposed variance meets the four tests under the *Planning Act*.

4. Other comments:

Heritage

As noted previously, the Subject Property is located within the Lower Main Street South Heritage Conservation District and the historic clocktower is a designated heritage building.

The Owner has submitted a Heritage Permit Application to permit the renovations of the historic clocktower. While Planning staff are in support of the adaptive reuse and preservation initiative put forward by the Owner, we have recommended a condition of Minor Variance approval that a Heritage Permit Application be issued prior to Building Permit issuance, as per standard practice.

Commenting agencies and departments

The Chief Building Official has no objection to this application subject to compliance with the Ontario Building Code.

Engineering services have reviewed the application and supporting documentation and have no objection to the requested relief outlined in points 1 and 2 above. Regarding requested relief outlined under 3, they have deferred their opinion to Planning Services and

have no objection to this request at this time.

York Region has no comments with regard to this application.

Lake Simcoe Region Conservation Authority has no comments with regard to this application.

Effect of Public Input

As of the date of report preparation, the following comments have been received:

- The Newmarket Co-operative Nursery School at 443 Park Avenue has provided a letter of support.

5. Conclusions:

The relief as requested:

- (1) is minor in nature;
- (2) maintains the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,



Eldon C. Theodore, BES, MUDS, MCIP, RPP
Partner | Planner | Urban Designer
MHBC Planning on behalf of the Town of Newmarket

Attachments:

1 – Site Plan and Elevations